

UNITED STATES DISTRICT COURT

DISTRICT OF CONNECTICUT

AR BACON ARCHITECTURE, P.C.,	:
Plaintiff,	:
	:
-vs-	: Civ. No. 3:01mc137 (PCD)
	:
STEVEN I. LAUNER d/b/a CONTOUR	:
DESIGN GROUP,	:
Defendant.	:

RULING ON MOTION FOR HEARING ON PROPERTY EXECUTION

Defendant moves for a hearing to contest property seized by plaintiff pursuant to a writ of execution of judgment. For the reasons set forth herein, defendant's motion is denied.

I. BACKGROUND

On March 9, 2001, the District Court for the Southern District of New York rendered judgment against defendant. On September 25, 2001, defendant was served with a writ of execution of judgment. A 1997 Toyota Celica was seized in satisfaction of the judgment. Defendant claims the property seized was exempt because the vehicle was owned by Contour Design Group, Inc., a Florida corporation owned by his brother, rather than his business, Contour Design Group, against which the judgment was rendered. On October 11, 2001, defendant moved for a hearing to contest the validity of the property seizure.

II. DISCUSSION

Execution on judgments shall be carried out in accordance with state procedures unless

superseded by an applicable federal procedure. *See* FED. R. CIV. P. 64; FED. R. CIV. P. 69(a). Under Connecticut law, execution may be made on property not subject to an exemption. CONN. GEN. STAT. § 52-350f. Exempt property is defined by CONN. GEN. STAT. § 52-352b. A hearing may be requested to resolve disputed interests in property on which execution is sought. *See* CONN. GEN. STAT. § 52-356c(a); CONN. GEN. STAT. § 52-361b(d).

The vehicle at issue may not be the subject of a hearing to contest the validity of an execution of judgment. Defendant argues that he has no interest whatsoever in the subject vehicle and, as such, the vehicle could not be seized. A hearing to resolve the applicability of a statutory exemption, *see* CONN. GEN. STAT. § 52-361b(d), is, therefore, not appropriate as defendant does not claim an exemption personal to him that would preclude execution of judgment. Moreover, the only other section providing for a hearing requires that the claim be brought by “the judgment creditor or third person” and presumes some degree of prior ownership in the subject property by the judgment debtor. *See* CONN. GEN. STAT. § 52-356c(a). Defendant claims neither the standing nor the prior ownership necessary under § 52-356c(a). There is, therefore, no basis for granting his request for a hearing.

III. CONCLUSION

Defendant's motion for a hearing on property execution (Doc. 3) is **denied**.

SO ORDERED.

Dated at New Haven, Connecticut, November ___, 2001.

Peter C. Dorsey
United States District Judge